

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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KELLY OSARIEMEN,

Petitioner,

Case # 18-CV-6792-FPG

v.

DECISION AND ORDER

ATTORNEY GENERAL OF THE UNITED STATES, et al.,

Respondents.

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*Pro se* Petitioner Kelly Osariemen brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his continued detention at the Buffalo Federal Detention Facility. ECF Nos. 1, 9. Respondents have notified the Court that on March 5, 2019, Petitioner was removed from the United States. *See* ECF No. 16 at 4. Respondents now move to dismiss the petition, arguing that Petitioner’s removal renders the case moot. ECF No. 16. Because the Court agrees, Respondents’ motion is GRANTED.

“[A] case is moot when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome.” *Cuong Le v. Sessions*, No. 17-cv-1339, 2018 WL 5620290, at \*2 (W.D.N.Y. Oct. 29, 2018). To the extent a habeas petition challenges only the alien’s continued detention, the petition becomes moot once the petitioner is removed. *See, e.g., Torres v. Sessions*, No. 17-CV-1344, 2018 WL 5621475, at \*2 (W.D.N.Y. Oct. 29, 2018) (collecting cases); *Garcia v. Holder*, No. 12 Civ. 3792, 2013 WL 6508832, at \*2 (S.D.N.Y. Dec. 11, 2013) (same). This is because the relief sought in the “habeas proceeding—namely, release from continued detention in administrative custody—has been granted.” *Arthur v. DHS/ICE*, 713 F. Supp. 2d 179, 182 (W.D.N.Y. 2010).

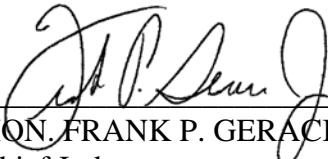
Accordingly, Petitioner’s challenge to his continued detention has become moot in light of his removal from the United States, and his petition is dismissed. *See id.*

## **CONCLUSION**

For the foregoing reasons, Respondents' motion to dismiss (ECF No. 16) is GRANTED. The petition is DISMISSED, and Petitioner's pending motion to dismiss (ECF No. 15) is DENIED AS MOOT. The Clerk of Court is directed to enter judgment and close this case.

IT IS SO ORDERED.

Dated: March 13, 2019  
Rochester, New York



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HON. FRANK P. GERACI, JR.  
Chief Judge  
United States District Court